

## **REMARKS**

The Office Action of August 8, 2006 has been received and its contents carefully noted. Claims 1-5, 8-17, 20-25, 27-29, 31-34, 38-47, 49-52, 54, 55, 57, 58, 60, 61, and 63 are currently pending, of which claims 1-5, 8-17, 20-24, 27-29, 31-34, 38-47, 49-52, 54, 55, 57, 58, 60, 61, and 63 stand rejected. Independent claims 1, 21, 38, 39, and 45 are amended to more clearly overcome the rejections in the outstanding Office Action. No new issues are raised by the amendments and no new matter has been added. Reconsideration and withdrawal of all pending rejections in view of the above amendments and following remarks is respectfully requested.

### ***Request for Correct Office Action***

Further to the telephone interview conducted on September 6, 2006, Applicants appreciate the Examiner's indication that the finality of the Office Action mailed August 9, 2006 will be vacated and a new action will be mailed.

In this regard, Applicants note that in the Notice of Appeal and Request for Appeal Conference filed June 5, 2006, Applicants' undersigned representative indicated that there was an error in the application of prior art to at least one of claims 27 and 24. The final rejection mailed August 9, 2006, did not rectify that error. Accordingly, Applicants' undersigned representative contacted Examiner Nguyen on September 6, 2006 to discuss the error on the Official Action. Examiner Nguyen agreed that the error needed to be corrected.

Applicants appreciate Examiner Nguyen's courtesies and indication that the finality of the Official Action would be vacated.

***Allowable Subject Matter***

Applicants again appreciate the indication that claim 25 contains allowable subject matter. However, Applicants submit that all of the claims are in condition for allowance for at least the following reasons.

***35 U.S.C. § 102 Rejection***

Claims 1-4, 8, 10-17, 19-23, 27, 31-33, 38-40, 44, 45, 47, and 48-63 are rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent Application No. 2001/0028301 to Geiger, et al. This rejection is respectfully traversed.

A claim may be properly rejected under 35 U.S.C. § 102(b) if, and only if, a single prior art reference discloses each and every feature of the invention as recited in the claim. If the rejected claim recites even one feature that is not disclosed by the prior art reference, the 35 U.S.C. § 102(b) rejection is improper and must be withdrawn. In this case, the rejection of claims 1-4, 8, 10-17, 19-23, 27, 31-33, 38-40, 44, 45, 47, and 48-63 must be withdrawn because Geiger, et al. fails to disclose at least one feature recited in each of independent base claims 1, 21, 38, 39, and 45.

Independent claims 1, 21, 38, 39, and 45 are amended to more clearly overcome the rejections in the outstanding Office Action. Applicants strongly assert that the claims were clearly allowable prior to any such amendments. In particular, claim 1 recites, *inter alia*, said display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; Claim 21 recites, *inter alia*, said display unit is configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; Claim 38 recites, *inter alia*, said display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms;

Claim 39 recites, *inter alia*, providing a display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; and Claim 45 recites, *inter alia*, providing at least one display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms.

Geiger, *et al.*, on the other hand, is directed to a complex interactive shopping cart display system. In particular, Geiger, *et al.* includes a display unit on a shopping cart, a plurality of store-wide trigger or transceiver units. See paragraph [0008]. These store-wide trigger units create an entire complex interactive advertising and promotion system. For example, the plurality of trigger units may be mounted throughout the store at the point of product display to advertise or promote a desired product. The transceiver unit automatically sends a message to the display unit, which causes the product-specific promotion to appear on the screen and a soft audible chime to alert the shopper of the approaching promoted product. See paragraph [0009]. Moreover, the central display screen includes a minimum of two thumb controls for selecting directories and scrolling lists, which are displayed on the display screen. See column [0013] and buttons 30 shown Figures 1 and 5 for example only.

The background of the invention details the shortcomings of these complex and complicated systems exemplified by the Geiger, *et al.* device. For example, these systems require the consumer to interact with the devices by pushing buttons, swiping I.D. cards, and navigating through on-screen menus to receive content. This has been known to be frustrating to the consumer to the extent that the consumer will no longer interact with the system and, in many, cases completely ignore the system display, to the detriment of sales within the retail environment. Also, such systems require the display unit to transmit signals and interact with other devices throughout the store. In some applications, due to interference, these systems do not work properly.

Additionally, some of these systems lack privacy which is inherent with “personalized” systems. This is considered a significant negative by most shoppers and the “alert” systems (e.g., beeping, flashing, and vibrating to draw attention to certain products) are considered a severe annoyance to shoppers.

Moreover, these interactive devices have a very high power consumption (multiple cells, external battery packs, or built-in rechargeable batteries). This leads to short battery life due to their complex functionality. Additionally, these devices are overly bulky due to their added functionality such as large display screens, numerous buttons, bar code readers, navigation devices, card swipe components and the like.

On the contrary, the invention is directed to a more user friendly and user accepted passive display device. In particular, claim 1 recites, *inter alia*, said display unit is configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; Claim 21 recites, *inter alia*, said display unit is configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; Claim 38 recites, *inter alia*, said display unit is configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; Claim 39 recites, *inter alia*, providing a display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms; and Claim 45 recites, *inter alia*, providing at least one display unit configured to not include user inputs, configured to not include triggering mechanisms, and configured to not be responsive to triggering mechanisms. This “passive, mobile” device operates “without user interaction,” which is in stark contrast to the plurality buttons (30 of Figures 1, 2, and 5) and the plurality of trigger mechanisms (transmitters 140A, 140B, 140C, 140D) of the Geiger, *et al.* device. The Geiger, *et*

*al.* includes a plurality buttons (30 of Figures 1, 2, and 5) and in no way teaches an implementation that is void of buttons.

Because the applied reference of Geiger, *et al.* fails to disclose each and every element recited in claims 1, 21, 28, 39, and 45 the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

Similarly, independent claims 21, 38, 39, and 45 recite that the device is passive and information is displayed without user interaction. In particular, claim 21 recites, *inter alia*, a passive, mobile display unit that receives the information stored in said transceiver, at any location within the retail environment, and displays the information on a display screen without user interaction ... wherein the display unit is configured to randomly display regardless of a location of the device within the retail environment.; Claim 38 recites, *inter alia*, a passive, mobile display unit that receives the information from said transceiver, and displays the information on a display screen without user interaction ... wherein the display unit is configured to randomly display regardless of a location of the device within the retail environment; Claim 39 recites, *inter alia*, automatically displaying the information on a display screen of the at least one passive display unit ... wherein said step of automatically displaying comprises automatically randomly displaying regardless of a location of the display unit within the retail environment.; and Claim 45 recites, *inter alia*, automatically displaying the information on a display screen of the at least one passive display unit ... wherein said step of automatically displaying comprises automatically randomly displaying regardless of a location of the display unit within the retail environment.

Additionally, the invention operates to randomly display information regardless of the location of the device within a retail environment. In particular, claim 21 recites that the display device operates at any location within the retail environment and claim 45 recites regardless of a location of the at least one passive display unit within the retail environment. Contrary to the

invention, the Geiger, *et al.* device has a plurality of transmitters 140A, 140B, 140C, 140D that act as store-wide trigger units to create an entire complex interactive advertising and promotion system. Accordingly, the Geiger, *et al.* device operates based on the location.

Accordingly, Applicants submit that Geiger, *et al.* does disclose each and every feature of the invention as set forth by the independent claims. Accordingly, Applicants respectfully request that the rejection over claims 1-4, 8, 10-23, 27, 30-33, 37-40, 44, 45, and 47-63 be withdrawn.

### **35 U.S.C. § 103 Rejection**

Claims 9, 34, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.*; Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.* in view of U.S. Patent No. 6,373,884 to Byrns, *et al.*; Claims 5, 41, 42, and 46 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Geiger, *et al.* in view of U.S. Patent No. 2004/0117196 to Brockman, *et al.*; and Claims 24, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.* in view of U.S. Patent No. 5,963,650 to Simionescu, *et al.* These rejections are respectfully traversed.

With respect to these rejections, Applicants submit that these claims are allowable at least for the reason that these claims depend from allowable base claims, as noted above, and because these claims recite additional features that further define the present invention.

## CONCLUSIONS

Applicants submit that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicants respectfully request that a timely Notice of Allowance be issued for this application.

Respectfully Submitted,



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**Dated: February 20, 2007**

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